

# **FORM FOR SUCCESSIVE POST-CONVICTION RELIEF RULE 1 PETITIONS**

*(To Be Filed With Petition For Post-Conviction Relief)*

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY  
STATE OF INDIANA

_____	)	
Full Name of Movant	)	
	)	
_____	)	Cause No. _____
Prison Number (if any)	)	(To be supplied by the Clerk of the Court)
	)	
v.	)	
	)	
State of Indiana,	)	
	)	
Respondent	)	

## **INSTRUCTIONS - READ CAREFULLY**

If you have previously filed a Petition for Post-Conviction Relief directed to this conviction or these convictions and the earlier petition was decided on the merits, you must fill out this form and file it along with your Petition. It must be legibly handwritten or typewritten, signed by the petitioner before a person authorized to take oaths and properly notarized. Since this must be signed under oath, any false statement of a material fact herein may serve as the basis of prosecution and conviction for perjury. Exercise care to be sure all answers are true and correct.

You must mail the original and two copies of this form along with your petition to the Clerk of the Supreme Court and Court of Appeals, 200 West Washington Street, Room 217, Indianapolis, IN 46204-2732. The Clerk will refer your petition to the Supreme Court in death penalty cases and the Indiana Court of Appeals in all other cases. The court will then decide whether your petition may be filed in the trial court where your first Post-Conviction Remedy Rule 1 petition was adjudicated.

**NOTE:** The court will allow a second or successive petition for post-conviction relief to be filed if the petitioner establishes a reasonable possibility that the petitioner is entitled to post-conviction relief. However, a petitioner does not establish a reasonable possibility that the petitioner is entitled to post-conviction relief, for example, (1) if the petitioner only alleges grounds for relief that are not different from those which have already been decided on the merits, or (2) if the only grounds alleged, even if different, should have been alleged in an earlier proceeding.

In addition to this form, you may submit no more than fifteen (15) pages, double-spaced, to provide supporting facts. You may also submit exhibits. Any citation of authorities should be avoided and is only appropriate if there has been a change in the law since the judgment you were attacking was entered. Your answer(s) should be confined to relevant facts and must not include legal arguments.

1. Were you represented by an attorney on your prior Petition for Post-Conviction Relief?

Yes \_\_\_\_ No \_\_\_\_

If yes, name(s) and address(es) of attorney(s).

\_\_\_\_\_  
\_\_\_\_\_

Proceedings at which each attorney represented you:

Drafting Petition for Post-Conviction Relief \_\_\_\_\_

Hearing of Petition for Post-Conviction Relief \_\_\_\_\_

Appeal of denial of Petition for Post-Conviction Relief \_\_\_\_\_

2. Was there a hearing on your prior Petition?

Yes \_\_\_\_ No \_\_\_\_

3. If the Petition was denied, did you appeal?

Yes \_\_\_\_ No \_\_\_\_

If yes, please state result on appeal, date of decision and citation of case if known:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. If you are alleging ground(s) for relief which were raised in your previous Petition, explain why you feel consideration is merited:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. If your Petition raises new grounds which were not included in your prior Petition, explain why you are raising these grounds now. Your explanation should rely on FACTS, not your opinions or conclusions:

Signature of Petitioner

STATE OF \_\_\_\_\_ )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing; that I know the contents thereof; and that the matters and allegations set forth are true.

Signature of Affiant-Petitioner

Subscribed and sworn to before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Notary Public

Printed Name

My Commission Expires:

County of Residence: